

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MARK ALAN COOPER, a/k/a ARTHUR
BENJAMIN COOPER,

Defendant-Appellant.

UNPUBLISHED
September 10, 1999

No. 206443
Kalamazoo Circuit Court
LC No. 94-001396 FH

Before: Markman, P.J., and Saad and P.D. Houk,* JJ.

PER CURIAM.

Defendant appeals as of right from his sentence of two to five years in prison for probation violation following a plea-based conviction of operating a motor vehicle under the influence of intoxicating liquor (OUIL), MCL 257.625(6); MSA 9.2325(6). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant pleaded guilty to OUIL, and on May 1, 1995 was sentenced to five years' probation. Subsequently, defendant signed an Interstate Compact Agreement application, seeking probation supervision in Indiana, where he had a pending, unrelated OUIL case. Defendant was transported to Indiana, and spent 170 days in custody as a result of his conviction in that state. Defendant was released from the custody of Indiana authorities on February 20, 1996. Indiana declined to accept courtesy supervision of defendant's probation.

On or about August 7, 1997, defendant was extradited from Indiana to face probation violation charges in the instant case. He pleaded guilty to the charges, and was sentenced to two to five years in prison, with credit for forty days.

Defendant filed a motion in the trial court seeking an additional 161 days' credit against his sentence. After an evidentiary hearing, the trial court awarded defendant an additional seventeen days' credit.

* Circuit judge, sitting on the Court of Appeals by assignment.

We review a question of law regarding statutory interpretation on a de novo basis. *People v Givans*, 227 Mich App 113, 124; 575 NW2d 84 (1997).

A defendant is entitled to credit for presentence incarceration resulting from an inability to post bond. MCL 769.11b; MSA 28.1083(2). The purpose of § 11b is to equalize, as far as is possible, the status of those persons who are unable to post bond and the status of those persons who are financially capable of posting bond. *Givans, supra*, at 125. No credit is due for time served on an unrelated offense. *People v Prieskorn*, 424 Mich 327, 340; 381 NW2d 646 (1985).

Defendant argues that the trial court abused its discretion by failing to award him 161 additional days' credit toward his sentence. We disagree and affirm. Plaintiff indicates that during the evidentiary hearing, the parties agreed that defendant was entitled to credit for specific periods of incarceration in July-August 1993 and October 1994. Defendant's contention that he was entitled to credit against his sentence for the period of incarceration in Indiana is without merit. Defendant was serving a sentence of probation for the underlying offense of OUIL at the time he was sent to Indiana to serve a sentence in that state. Defendant was not incarcerated in Indiana for any reason related to the underlying offense; therefore, he was not entitled to credit for time served on that sentence. MCL 769.11b; MSA 28.1083(2); *Prieskorn, supra*.

Affirmed.

/s/ Stephen J. Markman
/s/ Henry William Saad
/s/ Peter D. Houk